

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TYRONE HOUSTON,
Plaintiff,

v.

MICHAEL CAPRA, individually and as
superintendent of Sing Sing Correctional
Facility; et al.,
Defendants.

ORDER

20 CV 2135 (VB)

Copies Mailed/Faxed
Chambers of Vincent L. Briccetti

On December 6, 2021, the Court received plaintiff's motion, made by order to show cause, for a preliminary injunction. (Docs. ##123–26). Plaintiff, who is incarcerated, alleges prison officials are violating his constitutional rights, and he seeks to enjoin defendants from violating those rights.

To the extent the motion also seeks a temporary restraining order, that application is DENIED because the Court does not yet have the benefit of defendants' response.

By January 7, 2022, defendants shall respond to plaintiff's motion for a preliminary injunction. Plaintiff shall reply by January 21, 2022.

The Court will decide plaintiff's motion for preliminary injunction as well as defendants' fully briefed motion to dismiss in due course.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: December 7, 2021
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge